1952.

File No. O. Penicillin/52

No. 37/52

Legal Department—

G ~~A~~ BRANCH

Subject:— Opinions on ~~under~~ the

P:4
E

Penicillin Control Act, 1950

File No. O/Penicillin/52

Gen. 194 e.

37/52

C O N T E N T S.

Legal Department File No. C.Penicillins /1952.

Sr.No.	R.I./C.No.	Subject.	Pages.
		Opinions on the Penicillin Control Order, 1950.	
1	G-107 7-3-1952.	Question whether the Druggist or Chemist holding a valid licence under the Bombay Drugs Control Order, 1949 or the Drugs Act, can be successfully prosecuted for breach of any of the provisions of the Bombay, Penicillin Control Order, 1950.	1-2.

BNT/17.7.

Office of the R.L.A.

The Police authorities in Ahmednagar are doubtful as to whether a Druggist or Chemist holding a valid licence under the Bombay Drugs Control Order, 1949 or the Drugs Act, can be successfully prosecuted for breach of any of the provisions of the Bombay Penicillin Control Order, 1950. This doubt is felt because although clause 21 of the Bombay Penicillin Control Order provides that the provisions of that order shall be in addition to and not in derogation of the Bombay Drugs Control Order, 1949, there is no provision in the said order overriding or superseding the provisions of the Drugs Act. The Police authorities have therefore requested the Drugs Controller to furnish them with the necessary provisions, if any, under which the Bombay Penicillin Control Order, 1950 will prevail over other orders and Acts.

The Bombay Penicillin Control Order, 1950 has been made under section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946. Section 7 of the said Act provides that any Order made under section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act. If there is anything inconsistent between the Drugs Act and the Bombay Penicillin Control Order, the latter order would prevail and if there is no inconsistency the Druggists and Chemists will have to abide by the provisions of the Drugs Act as well as the Bombay Penicillin Control Order. Section 2 of the Drugs Act, 1940 also provides that the provisions of that Act are in addition to and not in derogation of the Dangerous Drugs Act, 1930 and any other law for the time being in force.

As regards the Bombay Drugs Control Order, 1949 and the Bombay Penicillin Control Order, 1950, both would work side by side as both are made under section 4 of the Bombay Essential Commodities and Cattle Control Act and further there is an express provision made in clause 21 of the Bombay Penicillin

[illegible] which is a later order that its provisions are in addition to and not in derogation of the Bombay Drugs Contr Order, 1949.

Sd/- P.M.LAD.
7/3.

Remembrancer of Legal Affairs.

U.R. to Drugs Controllers Office, No. G-107,
dated the 7th March 1952,

SNT/27.7.